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SENATE BILL 773

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Don Kidd

AN ACT

RELATING TO LICENSING; REVISING THE COUNSELING AND THERAPY
PRACTICE ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 61-9A-3 NMSA 1978 (being Laws 1993,
Chapter 49, Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and
Therapy Practice Act:

A. "accredited institution" means a university or
~~[college]~~ other institution of higher learning that is
accredited by a regional accrediting agency of institutions of
higher education and that offers full-time graduate courses of
study as defined by rule;

B. "alcohol abuse counselor" means a licensed
person who engages in the practice of alcohol abuse counseling;

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1 C. "alcohol and drug abuse counselor" means a
2 licensed person who engages in the practice of alcohol and drug
3 abuse counseling;

4 ~~[D. "appraisal" means selecting, administering,~~
5 ~~scoring and interpreting instruments designed to assess an~~
6 ~~individual's aptitudes, attitudes, abilities, achievements,~~
7 ~~interests, personal characteristics and current emotional or~~
8 ~~mental state by appropriately educated, trained and experienced~~
9 ~~clinicians and the use of nonstandardized methods and~~
10 ~~techniques for understanding human behavior in relation to~~
11 ~~coping with, adapting to or changing life situations of a~~
12 ~~physical, mental or emotional nature;~~

13 ~~E.] D.~~ "appropriate supervision" means supervision
14 ~~[by a professional clinical mental health counselor,~~
15 ~~professional mental health counselor, marriage and family~~
16 ~~therapist, professional art therapist, psychiatrist,~~
17 ~~psychologist, alcohol and drug abuse counselor or independent~~
18 ~~social worker] as defined by rule for each license;~~

19 ~~[F.] E.~~ "board" means the counseling and therapy
20 practice board;

21 ~~[G. "client contact hours" means the time spent~~
22 ~~with a client to appraise, diagnose and treat psychopathology;~~

23 ~~H. "clinical counseling" means the rendering of~~
24 ~~counseling services involving the application of principles of~~
25 ~~psychotherapy, human development, learning theory, group~~

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1 ~~dynamics and the etiology of mental illness and dysfunctional~~
2 ~~behavior to individuals, couples, families or groups for the~~
3 ~~purpose of assessing and treating psychopathology and promoting~~
4 ~~optimal mental health;~~

5 I. ~~"consulting" means the application of scientific~~
6 ~~principles and procedures in psychotherapeutic counseling,~~
7 ~~guidance and human development to provide assistance in~~
8 ~~understanding and solving a problem that the consultee may have~~
9 ~~in relation to a third party;~~

10 J. ~~"counseling" means the application of scientific~~
11 ~~principles and procedures in therapeutic counseling, guidance~~
12 ~~and human development to provide assistance in understanding~~
13 ~~and solving a mental, emotional, physical, social, moral,~~
14 ~~educational, spiritual or career development and adjustment~~
15 ~~problem that a client may have;~~

16 K.] F. "counseling and therapy practice" means the
17 licensed [or registered] practice of professional art therapy,
18 professional clinical mental health counseling, [professional
19 ~~mental health counseling, independent mental health counseling]~~
20 marriage and family therapy, alcohol abuse counseling, drug
21 abuse counseling and alcohol and drug abuse counseling;

22 [L.] G. "counselor and therapist practitioners"
23 means professional art therapists, professional clinical mental
24 health counselors, [professional ~~mental health counselors]~~
25 marriage and family therapists, [registered] mental health

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1 ~~[counselors]~~ interns, registered independent mental health
2 counselors, substance abuse interns, alcohol abuse counselors,
3 drug abuse counselors and alcohol and drug abuse counselors as
4 a group;

5 ~~[M-]~~ H. "department" means the regulation and
6 licensing department or the division of the department
7 designated to administer the counseling and therapy practice
8 board;

9 ~~[N-]~~ ~~"direct observation" means under supervision by~~
10 ~~an appropriate supervisor with the supervisee in one or more of~~
11 ~~the following settings: face-to-face, co-facilitation, one way~~
12 ~~mirrors or direct audio-visual;~~

13 ~~Q-]~~ I. "drug abuse counselor" means a licensed
14 person who engages in the practice of drug abuse counseling;

15 ~~[P-]~~ ~~"marriage and family therapy" means the~~
16 ~~assessment, diagnosis and treatment of nervous and mental~~
17 ~~disorders, whether cognitive, affective or behavioral, within~~
18 ~~the context of marriage and family systems;~~

19 ~~Q-]~~ J. "marriage and family therapist" means a
20 licensed person who ~~[is licensed for independent]~~ engages in
21 the practice of marriage and family therapy;

22 ~~[R-]~~ ~~"mental disorder" means any of several~~
23 ~~conditions or disorders that meet the diagnostic criteria~~
24 ~~contained in the diagnostic and statistical manual of the~~
25 ~~American psychiatric association or the world health~~

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1 organization's international classification of diseases manual;
2 S. ~~"practice of alcohol or drug abuse counseling"~~
3 ~~means the licensed practice of counseling services, as defined~~
4 ~~by regulation of the board, to individuals, couples, families~~
5 ~~or groups. The services may include screening, assessment,~~
6 ~~consultation, development of treatment plans, case management,~~
7 ~~counseling, referral, appraisal, crisis intervention,~~
8 ~~education, reporting and recordkeeping;~~

9 T. ~~"practice of art therapy" means the licensed~~
10 ~~practice of counseling services to individuals, families or~~
11 ~~groups of services that use art media as a means of expression~~
12 ~~and communication to promote perceptive, intuitive, affective~~
13 ~~and expressive experiences that alleviate distress, reduce~~
14 ~~physical, emotional, behavioral and social impairment and lead~~
15 ~~to growth or reintegration of one's personality. Art therapy~~
16 ~~services include diagnostic evaluation, development of patient~~
17 ~~treatment plans, goals and objectives, case management services~~
18 ~~and therapeutic treatment as defined by regulation of the~~
19 ~~board;~~

20 U. ~~"practice of marriage and family therapy" means~~
21 ~~the licensed practice of marriage and family therapy services~~
22 ~~to individuals, family groups and marital couples, singly or in~~
23 ~~groups. The "practice of marriage and family therapy" involves~~
24 ~~the professional application of psychotherapeutic and family~~
25 ~~systems theories and techniques, as defined by regulation of~~

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1 ~~the board, in the delivery of services to individuals, couples~~
2 ~~and families and involves the presence of a diagnosed mental or~~
3 ~~physical disorder in at least one member of the couple or~~
4 ~~family being treated;~~

5 V. ~~"practice of professional clinical mental health~~
6 ~~counseling" means the licensed practice of mental health~~
7 ~~clinical counseling to individuals, couples, families or groups~~
8 ~~and the diagnosis and treatment of mental and emotional~~
9 ~~disorders as defined by the American psychiatric association or~~
10 ~~the world health organization. "Practice of professional~~
11 ~~clinical mental health counseling" includes development of~~
12 ~~patient treatment plans, goals and objectives, case management~~
13 ~~services, therapeutic treatment, research and clinical mental~~
14 ~~health appraisal, consulting, counseling and referral as~~
15 ~~defined by regulation of the board;~~

16 W. ~~"practice of professional mental health~~
17 ~~counseling" means the licensed practice of a therapeutic~~
18 ~~counseling service that integrates a wellness and multicultural~~
19 ~~model of human behavior involving certain methods and~~
20 ~~techniques of appraisal, including consulting, counseling and~~
21 ~~referral as defined by regulation of the board;~~

22 X. ~~"practice of registered mental health~~
23 ~~counseling" means the registered practice, under appropriate~~
24 ~~supervision, of a therapeutic counseling service that~~
25 ~~integrates a wellness and multicultural model of human behavior~~

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1 ~~involving certain methods and techniques of appraisal,~~
2 ~~including consulting, counseling and referral as defined by~~
3 ~~regulation of the board;~~

4 ~~Y. "practice of registered independent mental~~
5 ~~health counseling" means the registered independent practice of~~
6 ~~a therapeutic counseling service that integrates a wellness and~~
7 ~~multicultural model of human behavior involving certain methods~~
8 ~~and techniques of appraisal, including consulting, counseling~~
9 ~~and referral as defined by regulation of the board;~~

10 ~~Z.]~~ K. "professional art therapist" means a
11 licensed person who engages in the practice of professional art
12 therapy;

13 ~~[AA.]~~ L. "professional clinical mental health
14 counselor" means a licensed person who engages in the
15 ~~[independent]~~ practice of professional clinical mental health
16 counseling; ~~[without supervision;~~

17 ~~BB. "professional mental health counselor" means a~~
18 ~~licensed person who engages in the practice of professional~~
19 ~~mental health counseling without supervision;~~

20 ~~CC. "referral" means the evaluation of information~~
21 ~~to identify needs of the person being counseled to determine~~
22 ~~the advisability of sending the person being counseled to other~~
23 ~~specialists, informing the person being counseled of such~~
24 ~~judgment and communicating the information to other counseling~~
25 ~~services as deemed appropriate;~~

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1 ~~DD.~~ ~~"licensed]~~ M "mental health [counselor]
2 intern" means a person who is [~~licensed by the board and~~
3 registered and is authorized by the board to engage in the
4 practice of professional clinical mental health counseling,
5 marriage and family therapy or professional art therapy under
6 appropriate supervision as defined by rule while preparing for
7 licensure;

8 ~~EE.~~ N. "registered independent mental health
9 counselor" means [~~an individual]~~ a person who is registered
10 [~~with the board and is]~~ and authorized by the board to engage
11 in the practice of professional clinical mental health
12 counseling [~~without supervision~~];

13 O. "substance abuse counseling" means alcohol and
14 drug abuse counseling, alcohol abuse counseling and drug
15 counseling;

16 ~~FF.~~ P. "substance abuse counselor" means a person
17 who is licensed to practice alcohol and drug abuse counseling,
18 alcohol abuse counseling or drug abuse counseling; and

19 ~~GG.~~ Q. "substance abuse intern" means a person
20 who is [~~licensed to]~~ registered and authorized by the board to
21 engage in the practice of alcohol and drug abuse counseling,
22 alcohol abuse counseling or drug abuse counseling under [~~direct~~
23 ~~observation~~] appropriate supervision as defined by rule while
24 preparing for licensure. "

25 Section 2. Section 61-9A-4 NMSA 1978 (being Laws 1993,

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1 Chapter 49, Section 4, as amended) is amended to read:

2 "61-9A-4. LICENSE OR REGISTRATION REQUIRED. --

3 A. Unless licensed or registered to practice under
4 the Counseling and Therapy Practice Act, no person shall engage
5 in the practice of:

6 [~~(1) professional mental health counseling;~~
7 ~~(2)~~] (1) professional clinical mental health
8 counseling;

9 [~~(3)~~] (2) marriage and family therapy; or
10 [~~(4)~~] (3) professional art therapy.

11 [~~(5) counseling as a licensed mental health~~
12 ~~counselor; or~~

13 ~~(6) counseling as a registered independent~~
14 ~~mental health counselor.~~

15 ~~B. Unless licensed to practice under the Counseling~~
16 ~~and Therapy Practice Act, no person shall engage in the~~
17 ~~practice of:~~

18 ~~(1) alcohol and drug abuse counseling;~~
19 ~~(2) alcohol abuse counseling;~~
20 ~~(3) drug abuse counseling; or~~
21 ~~(4) substance abuse counseling as a substance~~
22 ~~abuse intern.]~~

23 B. Unless licensed or registered to practice under
24 the Counseling and Therapy Practice Act, no person shall use
25 the title of:

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- 1 (1) professional clinical mental health
- 2 counselor;
- 3 (2) marriage and family therapist;
- 4 (3) professional art therapist;
- 5 (4) alcohol and drug abuse counselor;
- 6 (5) alcohol abuse counselor;
- 7 (6) drug abuse counselor;
- 8 (7) substance abuse intern; or
- 9 (8) mental health intern."

10 Section 3. Section 61-9A-5 NMSA 1978 (being Laws 1993,
11 Chapter 49, Section 5, as amended) is amended to read:

12 "61-9A-5. SCOPE OF PRACTICE. --

13 A. For the purpose of the Counseling and Therapy
14 Practice Act, a person is practicing as a [~~professional~~] mental
15 health [~~counselor~~] intern, professional clinical mental health
16 counselor, marriage and family therapist, professional art
17 therapist, registered independent mental health counselor,
18 alcohol and drug abuse counselor, alcohol abuse counselor, drug
19 abuse counselor or substance abuse intern if he advertises;
20 offers himself to practice; is employed in a position described
21 as [~~professional~~] mental health [~~counselor~~] intern,
22 professional clinical mental health counselor, marriage and
23 family therapist, professional art therapist, registered
24 independent mental health counselor, [~~registered mental health~~
25 ~~counselor~~] alcohol and drug abuse counselor, alcohol abuse

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1 counselor, drug abuse counselor or substance abuse intern; or
2 holds out to the public or represents in any manner that he is
3 licensed or registered to practice as such in this state.

4 ~~[B. The scope of the practice of alcohol or drug~~
5 ~~abuse counseling, or both, consists of rendering counseling~~
6 ~~services, as defined by regulation, to individuals, couples,~~
7 ~~families or groups. The services may include screening,~~
8 ~~assessment, consultation, development of treatment plans, case~~
9 ~~management, counseling, referral, appraisal, crisis~~
10 ~~intervention, education, reporting and recordkeeping.]~~

11 B. The scope of practice of marriage and family
12 therapy means the assessment, diagnosis and treatment of
13 nervous and mental disorders as defined by rule.

14 C. The scope of practice of professional clinical
15 mental health counseling means the assessment, diagnosis and
16 treatment of nervous and mental disorders as defined by rule.

17 D. The scope of practice of professional art
18 therapy means the assessment, diagnosis and treatment of
19 nervous and mental disorders as defined by rule.

20 E. The scope of practice of alcohol abuse
21 counseling means the assessment, diagnosis and treatment of
22 alcohol abuse disorders as defined by rule.

23 F. The scope of practice of drug abuse counseling
24 means the assessment, diagnosis and treatment of drug abuse
25 disorders as defined by rule.

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1 G. The scope of practice of alcohol and drug abuse
2 counseling means the assessment, diagnosis and treatment of
3 alcohol and drug abuse disorders as defined by rule."

4 Section 4. Section 61-9A-6 NMSA 1978 (being Laws 1993,
5 Chapter 49, Section 6, as amended) is amended to read:

6 "61-9A-6. EXEMPTIONS. --

7 A. Nothing in the Counseling and Therapy Practice
8 Act [~~shall be construed to prevent~~] prohibits:

9 (1) a person who is licensed, certified or
10 regulated under the laws of this state from engaging in
11 activities consistent with the standards and ethics of his
12 profession or practice; or

13 (2) an alternative, metaphysical or holistic
14 practitioner from engaging in nonclinical activities consistent
15 with the standards and codes of ethics of that practice.

16 B. Specifically exempted from the Counseling and
17 Therapy Practice Act are:

18 (1) elementary and secondary school counselors
19 acting on behalf of their employer who are [~~otherwise~~
20 ~~regulated~~] not licensed pursuant to the Counseling and Therapy
21 Practice Act;

22 (2) [~~peer counselors of~~] domestic violence or
23 independent-living [~~peer counselors~~] counseling by non-licensed
24 service providers working under appropriate supervision in a
25 nonprofit corporation, association or similar entity;

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1 (3) duly ordained, commissioned or licensed
2 ministers of a church or lay pastoral-care assistants providing
3 pastoral services on behalf of a church;

4 (4) a person who is enrolled in an internship
5 or practicum under appropriate supervision and is in the
6 internship or practicum for the sole purpose of acquiring an
7 advanced degree in mental health counseling, marriage and
8 family therapy or art therapy or a degree in substance abuse
9 counseling; [~~and~~]

10 (5) practitioners of Native American healing
11 arts; and

12 (6) individuals who serve as peer counselors
13 for a twelve-step recovery program or a similar self-help
14 chemical dependency recovery program that:

15 (a) does not offer chemical dependency
16 treatment;

17 (b) does not charge program
18 participants; and

19 (c) allows program participants to
20 maintain anonymity."

21 Section 5. Section 61-9A-7 NMSA 1978 (being Laws 1993,
22 Chapter 49, Section 7, as amended) is amended to read:

23 "61-9A-7. BOARD CREATED-- MEMBERS-- APPOINTMENT-- TERMS--
24 COMPENSATION.--

25 A. There is created the "counseling and therapy

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1 practice board" ~~[which]~~. The board is administratively
2 attached to the department.

3 B. The board shall consist of ~~[nine]~~ seven members
4 who are United States citizens and have been New Mexico
5 residents for at least five years prior to their appointment.

6 Of the ~~[nine]~~ seven members:

7 (1) ~~[five]~~ four members shall be professional
8 members, who shall be ~~[a professional mental health counselor]~~
9 a professional clinical mental health counselor, a marriage and
10 family therapist, a professional art therapist and an alcohol
11 and drug abuse counselor, licensed under the Counseling and
12 Therapy Practice Act and shall have engaged in a counselor and
13 therapist practice for at least five years. ~~[These members~~
14 ~~shall not hold any elected or appointed office in any~~
15 ~~professional organization of counseling, psychology or closely~~
16 ~~related field during their tenure on the board, nor shall they~~
17 ~~be school owners.]~~ The professional clinical mental health
18 counselor shall also represent the registered independent ~~[and~~
19 ~~licensed]~~ mental health counselors; and

20 (2) ~~[four]~~ three members shall represent the
21 public. The public members shall not have been licensed or
22 have practiced as counselor or therapist practitioners or in
23 any other regulated mental health profession, nor have any
24 significant financial interest, either direct or indirect, in
25 the professions regulated.

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1 C. ~~[All]~~ Members of the board shall be appointed by
2 the governor for staggered terms of four years. Each member
3 shall hold office until his successor is appointed. Vacancies
4 shall be filled in the same manner as original appointments.
5 No appointee shall serve more than two terms.

6 D. The governor may appoint professional board
7 members from a list of nominees submitted by ~~[qualified]~~
8 individuals and organizations, including the New Mexico
9 counseling association, the New Mexico association for marriage
10 and family therapy, the New Mexico art therapy association and
11 the alcohol and drug directors association.

12 E. Members of the board shall be reimbursed as
13 provided in the Per Diem and Mileage Act and shall receive no
14 other compensation, perquisite or allowance.

15 F. The board shall elect annually from its
16 membership a chairman and a secretary and other officers as
17 necessary to carry out its duties.

18 G. The board shall meet at least twice a year and
19 at other times deemed necessary. Other meetings may be called
20 by the chairman upon the written request of three members of
21 the board. A simple majority of the board members shall
22 constitute a quorum of the board.

23 H. Any member failing to attend three meetings
24 after proper notice shall be automatically recommended for
25 removal as a board member, unless excused by the board chairman

1 for one of the following reasons:

2 (1) circumstances beyond his control,
3 including illness;

4 (2) prior out-of-town commitments; or

5 (3) other circumstances deemed appropriate by
6 the board chairman. "

7 Section 6. Section 61-9A-9 NMSA 1978 (being Laws 1993,
8 Chapter 49, Section 9, as amended) is amended to read:

9 "61-9A-9. BOARD-- POWERS AND DUTIES. --

10 A. The board may:

11 (1) adopt in accordance with the Uniform
12 Licensing Act and file in accordance with the State Rules Act
13 rules necessary to carry out the provisions of the Counseling
14 and Therapy Practice Act;

15 (2) select and provide for the administration
16 of, at least, semi annual examinations for licensure;

17 (3) establish the passing scores for
18 examinations;

19 (4) take any disciplinary action allowed by
20 and in accordance with the Uniform Licensing Act;

21 (5) censure, reprimand or place a licensee or
22 registrant on probation [~~for a period not to exceed one year~~];

23 (6) require and establish criteria for
24 continuing education;

25 (7) establish by rule procedures for

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1 receiving, investigating and resolving complaints;

2 (8) approve appropriate supervision and post-
3 graduate experience for persons seeking licensure [~~or~~
4 ~~registration~~];

5 (9) provide for the issuance of licenses and
6 certificates of registration;

7 (10) determine eligibility of individuals for
8 licensure or registration;

9 (11) set fees for administrative services,
10 licenses and registration, as authorized by the Counseling and
11 Therapy Practice Act, and authorize all disbursements necessary
12 to carry out the provisions of that act;

13 (12) establish criteria for supervision and
14 supervisory requirements;

15 (13) establish a code of ethics; and

16 (14) establish committees.

17 B. The board may establish a standards committee
18 for each licensed profession. The members of each standards
19 committee shall be appointed by the board with the consent of
20 the department and shall include at least one board member from
21 the licensed profession and at least one public board member.
22 The board member representing each respective profession shall
23 chair its standards committee and the committee shall:

24 (1) recommend and periodically review a code
25 of ethics;

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1 (2) review license applications and recommend
2 approval or disapproval;

3 (3) develop criteria for supervision; and

4 (4) recommend rules [~~and regulations~~].

5 C. Members of the standards committees or other
6 committees may be reimbursed as provided in the Per Diem and
7 Mileage Act, but shall receive no other compensation,
8 perquisite or allowance. These members shall not hold [any] an
9 elected office in [any] a professional organization of
10 counseling, psychology or closely related field during their
11 tenure on the standards committees."

12 Section 7. A new section of the Counseling and Therapy
13 Practice Act is enacted to read:

14 "[NEW MATERIAL] CURRENT LICENSED MENTAL HEALTH
15 COUNSELORS--LICENSURE EXTENDED.--Effective immediately, all
16 licensed professional mental health counselors are licensed as
17 professional clinical mental health counselors, and at the next
18 renewal date shall be charged the appropriate license fee."

19 Section 8. Section 61-9A-11 NMSA 1978 (being Laws 1993,
20 Chapter 49, Section 11, as amended) is amended to read:

21 "61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH
22 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a
23 license as a professional clinical mental health counselor to
24 any person who files a completed application accompanied by the
25 required fees and who submits satisfactory evidence that the

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1 applicant:

2 A. has reached the age of twenty-one;

3 B. holds either:

4 (1) a master's or doctoral degree in
5 ~~[counseling or an allied]~~ a mental health field for
6 professional clinical mental health counseling as defined by
7 rule from an accredited institution ~~[Effective July 1, 1998,~~
8 ~~the applicant must have a master's degree and a total of no~~
9 ~~less than forty-eight graduate hours in the mental health~~
10 ~~clinical core curriculum]; or~~

11 (2) meets the requirements of the core
12 curriculum as defined by rule in professional clinical mental
13 health counseling from an accredited institution;

14 C. demonstrates professional competency by passing
15 ~~[an]~~ the required examination as prescribed by the board;

16 D. has ~~[a minimum of]~~ two years of ~~[professional~~
17 ~~clinical]~~ counseling experience ~~[including at least]~~ consisting
18 of three thousand [clinical] client contact hours and ~~[at~~
19 ~~least]~~ one hundred hours of ~~[face-to-face]~~ appropriate
20 supervision. One thousand client ~~[clinical]~~ contact hours may
21 be submitted from the applicant's supervised graduate
22 internship or practicum; and

23 E. is of good moral character with conduct
24 consistent with the code of ethics. "

25 Section 9. Section 61-9A-12 NMSA 1978 (being Laws 1993,

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1 Chapter 49, Section 12, as amended) is amended to read:

2 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS
3 FOR LICENSURE.--The board shall issue a license as a marriage
4 and family therapist to any person who files a completed
5 application accompanied by the required fees and who submits
6 satisfactory evidence that the applicant:

7 A. has reached the age of twenty-one;

8 B. holds either:

9 (1) a master's or doctoral degree [~~with a~~
10 ~~focus~~] in marriage and family therapy from an accredited
11 institution; or

12 (2) meets the requirements of the core
13 curriculum as defined by rule in marriage and family therapy
14 from an accredited institution;

15 C. demonstrates professional competency by passing
16 [~~an examination~~] the examinations as prescribed by the board;

17 D. has [~~a minimum of~~] two years of postgraduate
18 marriage and family therapy experience consisting of one
19 thousand client contact hours and two hundred hours of
20 appropriate supervision [~~of which one hundred hours of such~~
21 ~~supervision was on an individual basis~~] as defined by rule; and

22 E. is of good moral character with conduct
23 consistent with the code of ethics. "

24 Section 10. Section 61-9A-13 NMSA 1978 (being Laws 1993,
25 Chapter 49, Section 13, as amended) is amended to read:

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1 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR
2 LICENSURE.--The board shall issue a license as a professional
3 art therapist to any person who files a completed application
4 accompanied by the required fees and who submits satisfactory
5 evidence that the applicant:

6 A. has reached the age of twenty-one;

7 B. demonstrates professional competency by passing
8 an examination as prescribed by the board;

9 C. holds either:

10 (1) a master's or doctoral degree in art
11 therapy from an accredited institution or nationally approved
12 art therapy program that includes [~~six~~] seven hundred hours of
13 supervised internship or practicum experience from an
14 accredited institution; [~~or~~]

15 (2) a master's degree in a [~~counseling~~
16 ~~related~~] mental health field as defined by rule for art
17 therapy, has [~~a minimum of twenty-one~~] twenty-four semester
18 hours of sequential course work in the history, theory and
19 practice of art therapy and has completed [~~six~~] seven hundred
20 hours of supervised internship or practicum experience from an
21 accredited institution [~~The board may approve on a case-by-case~~
22 ~~basis applicants who have a master's degree or a doctoral~~
23 ~~degree from non-accredited institutions~~]; or

24 (3) a master's degree in a mental health field
25 as defined by rule for art therapy and has completed twenty-

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1 four semester hours in an art therapy certificated program from
2 an accredited institution or a nationally approved American art
3 therapy association program.

4 D. has completed one thousand client contact hours
5 of postgraduate experience under appropriate supervision beyond
6 the requirements in [~~Paragraph (1) of~~] Subsection C of this
7 section. [~~or two thousand client contact hours of postgraduate~~
8 ~~experience under appropriate supervision beyond the~~
9 ~~requirements in Paragraph (2) of Subsection C of this section]~~
10 Supervision shall be under a [~~nationally licensed or American~~
11 ~~art therapy association-certified art therapist~~] New Mexico
12 licensed professional art therapist or nationally certified
13 board art therapist for at least fifty percent of the working
14 hours; and

15 E. is of good moral character with conduct
16 consistent with the code of ethics. "

17 Section 11. Section 61-9A-14 NMSA 1978 (being Laws 1993,
18 Chapter 49, Section 14, as amended) is amended to read:

19 "61-9A-14. REQUIREMENTS FOR [~~LICENSED~~] REGISTERED MENTAL
20 HEALTH [~~COUNSELOR~~] INTERN. --The board shall [~~issue a license~~]
21 register as a mental health [~~counselor to~~] intern any person
22 who files a completed application accompanied by the required
23 fees and who submits satisfactory evidence that the applicant:

24 A. has reached the age of twenty-one;

25 B. [~~has obtained~~] holds either:

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1 (1) a master's or doctoral degree from an
2 accredited institution in ~~[counseling]~~ a mental health field
3 for professional clinical mental health counseling as defined
4 by rule or in marriage and family therapy or in art therapy; or

5 (2) meets the ~~[educational]~~ requirements ~~[for~~
6 ~~the terminal license]~~ of the core curriculum as defined by rule
7 for licensure;

8 C. has arranged for ~~[a board-approved supervisor]~~
9 an appropriate supervision plan and a postgraduate experience
10 plan ~~[for working under the appropriate supervision to meet]~~ as
11 defined by rule to meet the licensing requirements for:

12 (1) a marriage and family therapist;

13 (2) a professional art therapist; or

14 (3) a professional clinical mental health
15 counselor ~~[requirements for licensure];~~

16 D. demonstrates professional competence by passing
17 an examination within the applicant's discipline as prescribed
18 by the board; and

19 E. is of good moral character with conduct
20 consistent with the code of ethics. "

21 Section 12. Section 61-9A-14.1 NMSA 1978 (being Laws
22 1996, Chapter 61, Section 8, as amended) is amended to read:

23 "61-9A-14.1. SUBSTANCE ABUSE INTERN-- REQUIREMENTS FOR
24 ~~[LICENSURE]~~ REGISTRATION. --

25 A. The board shall ~~[license]~~ register as a

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1 substance abuse intern [~~any~~] a person who files a completed
2 application accompanied by the required fees and who submits
3 satisfactory evidence that the applicant:

4 (1) is of good moral character with conduct
5 consistent with the code of ethics;

6 (2) has reached the age of twenty-one;

7 (3) possesses a high school diploma or its
8 equivalent;

9 (4) has arranged for [~~a board-approved~~
10 ~~supervisor~~] an appropriate supervision plan and experience plan
11 [~~for working under appropriate supervision~~] as defined by rule
12 to meet the [~~requirements for licensure as a substance abuse~~
13 ~~counselor~~] licensing requirements for:

14 (a) an alcohol and drug abuse counselor;

15 (b) a drug abuse counselor; or

16 (c) an alcohol abuse counselor;

17 (5) has a total of ninety clock hours of
18 education and training in the fields of alcohol and drug abuse;
19 and

20 [~~(6) signs a code of ethics statement, as~~
21 ~~approved by the board; and~~

22 ~~(7)] (6) provides three letters of~~
23 recommendation as established by rule.

24 B. Effective July 1, [~~2003~~] 2005, the board shall
25 [~~license~~] register as a substance abuse intern [~~any~~] a person

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1 who files a completed application accompanied by the required
2 fees and who submits satisfactory evidence that the applicant:

3 (1) is of good moral character, with conduct
4 consistent with the code of ethics;

5 (2) has reached the age of twenty-one;

6 (3) holds an associate degree in ~~[counseling~~
7 ~~or in a related]~~ a mental health field as defined by rule for
8 substance abuse counseling from an accredited institution and
9 has a total of ninety clock hours of education and training in
10 the fields of alcohol and drug abuse;

11 (4) has arranged for ~~[a board-approved~~
12 ~~supervisor]~~ an appropriate supervision plan and experience plan
13 ~~[for working under direct observation]~~ as defined by rule to
14 meet the ~~[requirements for licensure as a substance abuse~~
15 ~~counselor;~~

16 ~~(5) signs a code of ethics statement, as~~
17 ~~approved by the board; and]~~ licensing requirement for:

18 (a) an alcohol and drug abuse counselor;

19 (b) a drug abuse counselor; or

20 (c) an alcohol abuse counselor;

21 ~~[(6)]~~ (5) provides three letters of
22 recommendation ~~[one letter from a current supervisor, one~~
23 ~~letter from a current employer and one letter from a~~
24 ~~professional substance abuse colleague]~~ as defined by rule. "

25 Section 13. Section 61-9A-14.2 NMSA 1978 (being Laws

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1 1999, Chapter 161, Section 15) is amended to read:

2 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--
3 REQUIREMENTS FOR LICENSURE. --

4 A. The board shall license as an alcohol and drug
5 abuse counselor ~~[any]~~ a person who files a completed
6 application accompanied by the required fees and who submits
7 satisfactory evidence that the applicant:

8 (1) is of good moral character with conduct
9 consistent with the code of ethics;

10 (2) has reached the age of twenty-one;

11 ~~[(3) possesses a high school diploma or its~~
12 ~~equivalent;~~

13 ~~(4) has passed an examination, as approved by~~
14 ~~the board;~~

15 ~~(5) signs a code of ethics statement, as~~
16 ~~approved by the board; and]~~

17 (3) demonstrates professional competency by
18 passing the required examination prescribed by the board; and

19 ~~[(6)]~~ (4) has one of the following
20 combinations of education and experience:

21 (a) an associate degree or ~~[board-~~
22 ~~approved]~~ education and training as defined by rule for
23 substance abuse counseling that includes two hundred seventy-
24 six clock hours with at least ninety hours in each of the
25 fields of alcohol, drug and counseling and six hours of

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1 training in professional ethics, four years of experience in
2 the practice of alcohol and drug abuse counseling under
3 appropriate supervision and three hundred hours of approved
4 practicum;

5 (b) a baccalaureate degree in a related
6 mental health field as defined by rule for substance abuse
7 counseling from an accredited institution and education or
8 training that includes two hundred seventy-six clock hours of
9 specific training that may be a part of the degree program and
10 that includes at least ninety hours in each of the fields of
11 alcohol, drug and counseling and six hours of training in
12 professional ethics and three years of experience in the
13 practice of alcohol and drug abuse counseling under appropriate
14 supervision; or

15 (c) a master's degree in a [~~related~~]
16 mental health field as defined by rule for substance abuse
17 counseling from an accredited institution, two hundred seventy-
18 six clock hours of specific training that may be part of the
19 degree program and that includes at least ninety hours in each
20 of the fields of alcohol, drug and counseling and six hours of
21 training in professional ethics and two years of experience in
22 the practice of alcohol and drug abuse counseling under
23 appropriate supervision.

24 B. Effective July 1, [~~2003~~] 2005, the board shall
25 license as an alcohol and drug abuse counselor [~~any~~] a person

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1 who files a completed application accompanied by the required
2 fees and who submits satisfactory evidence that the applicant:

3 (1) is of good moral character with conduct
4 consistent with the code of ethics;

5 (2) has reached the age of twenty-one;

6 [~~(3) holds a baccalaureate degree in~~
7 ~~counseling in a related mental health field from an accredited~~
8 ~~institution;~~

9 [~~(4) has passed an examination, as approved by~~
10 ~~the board;~~

11 [~~(5) signs a code of ethics statement, as~~
12 ~~approved by the board; and]~~

13 (3) demonstrates professional competency by
14 passing the required examinations prescribed by the board;

15 (4) provides three letters of recommendation
16 as defined by rule; and

17 [~~(6)] (5) has one of the following
18 combinations of education and experience:~~

19 (a) a baccalaureate degree in a
20 [~~related~~] mental health field for substance abuse counseling,
21 as defined by rule, from an accredited institution and
22 education and training that includes two hundred seventy-six
23 clock hours [~~of specific training that may be a part of the~~
24 ~~degree program and that includes at least]~~ with ninety hours in
25 each of the fields of alcohol, drug and counseling [~~education~~

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1 and], six ~~[clock]~~ hours of ~~[training in]~~ professional ethics,
2 ~~[and three hundred hours of approved practicum and three]~~ two
3 years and two thousand client contact hours ~~[acquired within~~
4 ~~the last fifteen years]~~ under appropriate supervision of
5 experience in the practice of alcohol and drug abuse counseling
6 ~~[under appropriate supervision]~~ and one hundred hours of
7 appropriate supervision; or

8 (b) a master's degree in a ~~[related]~~
9 mental health field for substance abuse counseling as defined
10 by rule from an accredited institution and education and
11 training that includes two hundred seventy-six clock hours ~~[of~~
12 ~~specific training that may be a part of the degree program and~~
13 ~~that includes at least]~~ with ninety hours in each of the fields
14 of alcohol, drug and counseling ~~[education and]~~, six hours of
15 ~~[training in]~~ professional ethics, ~~[and three hundred hours of~~
16 ~~approved practicum and two]~~ one year and one thousand client
17 contact hours ~~[acquired within the last five years]~~ under
18 appropriate supervision of experience in the practice of
19 alcohol and drug abuse counseling ~~[under appropriate~~
20 ~~supervision]~~ and fifty hours of appropriate supervision hours. "

21 Section 14. Section 61-9A-15 NMSA 1978 (being Laws 1993,
22 Chapter 49, Section 15, as amended) is amended to read:

23 "61-9A-15. EXAMINATIONS. --

24 A. Applicants who have met the requirements for
25 licensure shall be scheduled for the next appropriate

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1 ~~[examination]~~ examinations following the approval of the
2 application. The board shall establish ~~[by rule]~~ the
3 ~~[examination]~~ board-approved examinations application deadline
4 and the requirements for reexamination if the applicant has
5 failed the ~~[examination]~~ examinations.

6 B. The ~~[examination]~~ examinations shall cover
7 subjects appropriate to the scope of practice as [~~a~~
8 ~~professional mental health counselor]~~ a professional clinical
9 mental health counselor, a marriage and family therapist, a
10 professional art therapist or a substance abuse counselor. "

11 Section 15. Section 61-9A-16 NMSA 1978 (being Laws 1993,
12 Chapter 49, Section 16) is amended to read:

13 "61-9A-16. TEMPORARY LICENSURE. --Prior to examination, an
14 applicant for licensure may obtain a temporary license to
15 engage in any counselor and therapist practice if the person
16 meets all of the requirements, except examination, provided for
17 in Section [~~10, 11, 12, 13 or 14 of the Counseling and Therapy~~
18 ~~Practice Act]~~ 61-9A-11, 61-9A-12, 61-9A-13 or 61-9A-14 NMSA
19 1978. The temporary license shall be valid no more than
20 ~~[thirty]~~ sixty days after the results of the next examination
21 become available. [~~At that time, should]~~ If the individual
22 ~~[fail]~~ fails to take or pass [~~that examination]~~ the
23 examinations, the temporary license shall automatically expire
24 and the applicant shall not be reissued a temporary license. "

25 Section 16. Section 61-9A-22 NMSA 1978 (being Laws 1993,

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1 Chapter 49, Section 22, as amended) is amended to read:

2 "61-9A-22. LICENSURE BY CREDENTIALS. -- ~~[The board may~~
3 ~~license an applicant without examination if the person~~
4 ~~possesses a valid regulatory document issued by the appropriate~~
5 ~~examining board under the laws of any other state or territory~~
6 ~~of the United States, the District of Columbia or any foreign~~
7 ~~nation that in the judgment of the board has requirements~~
8 ~~substantially equivalent to or exceeding those in the~~
9 ~~Counseling and Therapy Practice Act.~~

10 An applicant for licensing pursuant to this section shall
11 be issued a temporary license by the department upon filing his
12 application along with proof of a valid current regulatory
13 document from another jurisdiction. ~~This temporary license is~~
14 ~~valid only until the board considers and acts on the~~
15 ~~application. An applicant is entitled to only one temporary~~
16 ~~license pursuant to this provision.]~~

17 A. The board may issue a license to a person who
18 files a completed application accompanied by the required fees
19 and who submits satisfactory evidence that the applicant held
20 for the last three years a current license issued by the
21 appropriate examining board under the law of any other state or
22 territory of the United States, the District of Columbia or any
23 foreign nation and:

24 (1) holds a professional clinical mental
25 health counselor license and has taken and passed the national

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1 certified counselor and certified clinical mental health
2 counselor examinations from the national board of certified
3 counselors;

4 (2) is a clinical member of the American
5 association for marriage and family therapy;

6 (3) is a registered art therapist, art therapy
7 registered-board certified by the art therapy credential board;
8 or

9 (4) is an alcohol and drug abuse counselor and
10 has taken and passed the required examination prescribed by the
11 board.

12 B. Applicants who do not meet the licensure by
13 credential requirements must meet the current licensure
14 requirements. "

15 Section 17. Section 61-9A-23 NMSA 1978 (being Laws 1993,
16 Chapter 49, Section 23, as amended) is amended to read:

17 "61-9A-23. LICENSE AND REGISTRATION RENEWAL. --

18 A. Each licensee or registrant shall renew his
19 license or registration biennially by submitting a renewal
20 application on a form provided by the board and complying with
21 all renewal requirements. [~~Licensees with even-numbered~~
22 ~~licenses shall renew in even-numbered years. Licensees with~~
23 ~~odd-numbered licenses shall renew in odd-numbered years.] The
24 board may establish a method to provide for staggered biennial
25 terms. The board may authorize license renewal for one year to~~

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1 establish this renewal cycle and charge the proportionate
2 license fee for that period.

3 ~~[B. A ninety-day grace period shall be allowed each~~
4 ~~licensee or registrant after the license or registration~~
5 ~~period, during which time licenses and registrations may be~~
6 ~~renewed upon payment of the renewal fee and late fee and~~
7 ~~compliance with all renewal requirements.]~~

8 B. If a license is not renewed by the expiration
9 date, the license or registration shall be considered expired,
10 and the counselor or therapist shall refrain from practicing.
11 The licensee or registrant may renew within a ninety-day grace
12 period by submitting payment of the renewal fee, late fee and
13 compliance with all renewal requirements. Upon receipt of
14 payment and complying with continuing education requirements,
15 the licensee or registrant may resume practice. Failure to
16 receive a renewal notice and application for renewal of license
17 from the board does not excuse counselor and therapist
18 practitioners from the requirements for renewal.

19 C. If continuing education requirements are not
20 completed within the licensing period and by the expiration
21 date, the license or registration shall be considered expired,
22 and the counselor or therapist shall refrain from practicing.

23 ~~[C. Any]~~ D. A license or registration granted by
24 the board shall be automatically suspended if the holder fails
25 to apply for the renewal license or registration provided for

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1 in this section within a period of [~~three months~~] ninety days
2 after the renewal deadline; provided that any license or
3 registration so suspended may be restored by the board upon
4 payment of a reinstatement fee not to exceed one hundred
5 dollars (\$100) in addition to [~~any~~] unpaid renewal or late
6 fees. Failure to renew a license or registration within [~~three~~
7 ~~months~~] ninety days from the date of suspension as provided in
8 this section shall cause the license or registration to be
9 automatically revoked. Reinstatement of a revoked license or
10 registration [~~will~~] shall require the licensee to reapply and
11 meet all current standards for licensure or registration.

12 [~~D.~~] E. A person licensed or registered under the
13 Counseling and Therapy Practice Act who wishes to retire from
14 practice shall notify the board in writing before the
15 expiration of his current license or registration. If, within
16 a period of five years from the year of retirement, the
17 licensee or registrant wishes to resume practice, he shall so
18 notify the board in writing, and upon giving proof of
19 completing such continuing education as prescribed by rule of
20 the board and the payment of a renewal license fee and
21 reinstatement fee in an amount equivalent to all lapsed renewal
22 fees, his license or registration shall be restored to him in
23 full effect. "

24 Section 18. Section 61-9A-24 NMSA 1978 (being Laws 1993,
25 Chapter 49, Section 24, as amended) is amended to read:

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1 "61-9A-24. LICENSE AND REGISTRATION FEES. -- Applicants for
2 licensure or registration shall pay biennial fees set by the
3 board in an amount not to exceed:

4 A. for application for [~~initial~~] licensure or
5 registration, seventy-five dollars (\$75.00), which is not
6 refundable;

7 B. for [~~licensure or~~] renewal as a [~~professional~~
8 ~~mental health counselor~~] registered independent mental health
9 counselor, three hundred dollars (\$300);

10 C. for licensure or renewal as a [~~clinical~~]
11 professional clinical mental health counselor, marriage and
12 family therapist or professional art therapist, four hundred
13 twenty dollars (\$420);

14 D. for registration or renewal as a [~~registered~~]
15 mental health [~~counselor or registered independent mental~~
16 ~~health counselor~~] intern or substance abuse intern, two hundred
17 forty dollars (\$240);

18 E. for all examinations, seventy-five dollars
19 (\$75.00) or, if a national examination is used, an amount that
20 shall not exceed the national examination costs by more than
21 twenty-five percent;

22 F. for a duplicate or replacement license or
23 registration, twenty-five dollars (\$25.00);

24 G. for failure to renew a license or registration
25 within the allotted grace period, a late penalty fee not to

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exceed one hundred dollars (\$100);

H. reasonable administrative fees; and

I. for licensure [~~registration~~] or renewal as an alcohol and drug abuse counselor, an alcohol abuse counselor or a drug abuse counselor, [~~or a substance abuse intern, two hundred dollars (\$200)] three hundred dollars (\$300)."~~

Section 19. REPEAL. -- Sections 61-9A-10 and 61-9A-11.1 NMSA 1978 (being Laws 1993, Chapter 49, Section 10 and Laws 1999, Chapter 161, Section 10, as amended) are repealed.

Section 20. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2003.